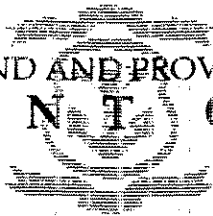


STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
D E P A R T M E N T O F H E A L T H



Safe and Healthy Lives in Safe and Healthy Communities

BOARD OF MEDICAL LICENSURE AND
DISCIPLINE

No. C00-108

IN THE MATTER OF JOEL S. HARKOW, M.D.
LICENSE NUMBER MD6985

Consent Order

Pursuant to R.I. Gen. Laws §5-37-5.2, 1956, as amended, (1999 Reenactment) an Administrative Decision was sent to the Board of Medical Licensure and Discipline (hereinafter referred to as "Board") by the Massachusetts Board of Registration in Medicine. Based upon the Report filed with the Board the Board of Medical Licensure and Discipline concludes the following:

FINDINGS OF FACTS AND CONCLUSIONS OF LAW

1. The Respondent is a licensed physician practicing medicine in Rhode Island and Massachusetts.
2. The Respondent self reported a history of substance abuse and was placed on a monitoring agreement with a Physician Health Committee in 1988. He was monitored by the committee until his monitoring program expired in 1993. One year later he relapsed and self reported his dependency and signed another monitoring agreement with the Physician's Health Committee. In 1996, he

transferred his monitoring to the Massachusetts Medical Society Physician Health Services.

3. Subsequently, the Respondent was charged by the Massachusetts Board of Registration in Medicine with diverting Ambien and Ritalin from his patients following complaints from patients.

4. After a formal Administrative Hearing, the Respondent was found guilty of taking medications from his patients. The Massachusetts Board then suspended the Respondent's license to practice medicine for two years. A copy of the Massachusetts Recommended Decision and Order is attached and incorporated herewith.

5. The Board of Medical Licensure and Discipline is authorized to take reciprocal discipline against a licensee who has been found guilty or has consented to a violation of the medical practice act in another state when the act or violation would constitute "unprofessional conduct" in Rhode Island as set forth in R.I.G.L. §5-37-5.1.

6. The Board has determined that Dr. Harkow's conduct in Massachusetts would violated the provisions of §5-37-5.1.

7. The Rhode Island Physician's Health Committee referred the Respondent for an evaluation at a nationally recognized substance abuse treatment facility. This facility has recommended further treatment of the Respondent.

8. The Board of Medical Licensure and Discipline has considered the Respondent's past history, his willingness to self-report and seek treatment and the recommendations of the treatment center that performed an evaluation at the

behest of the Physician's Health Committee. The Board hereby suspends the Respondent's license to practice medicine in Rhode Island effective June 22, 2001. The Respondent shall be entitled to re-apply for licensure following his return from the treatment center which did the initial assessment if, in the opinion of the treating doctors, the Respondent is ready to return to practice. The Board will set the terms of this return to practice at the time of re-application.

The parties agree as follows:

Respondent admits to the jurisdiction of the Board.

(1) Respondent has read this Consent Order and understands that it is a proposal of an Investigating Committee of the Board and is subject to the final approval of the Board. This Consent Order is not binding on Respondent until final ratification by the Board.

(2) Respondent hereby acknowledges and waives:

- a. The right to appear personally or by counsel or both before the Board;
- b. The right to produce witnesses and evidence in his behalf at a hearing;
- c. The right to cross examine witnesses;
- d. The right to have subpoenas issued by the Board;
- e. The right to further procedural steps except for specifically contained herein;
- f. Any and all rights of appeal of this Consent Order;

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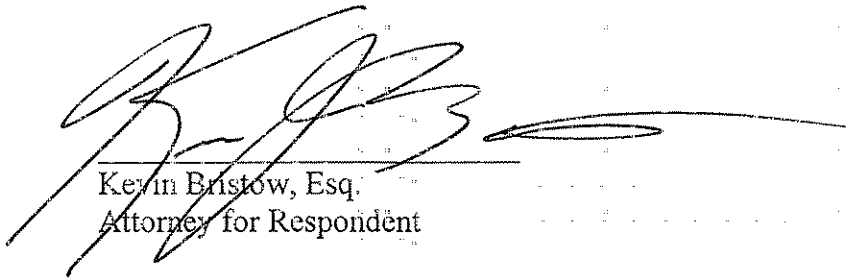
(2) Respondent hereby acknowledges and waives:

- a. The right to appear personally or by counsel or both before the Board;
- b. The right to produce witnesses and evidence in his behalf at a hearing;
- c. The right to cross examine witnesses;
- d. The right to have subpoenas issued by the Board;
- e. The right to further procedural steps except for specifically contained herein;
- f. Any and all rights of appeal of this Consent Order;

- g. Any objection to the fact that this Consent Order will be presented to the Board for consideration and review;
 - h. Any objection to the fact that it will be necessary for the Board to become acquainted with all evidence pertaining to this matter in order to review adequately this Consent Order;
 - i. Any objection to the fact that potential bias against the Respondent may occur as a result of the presentation of this Consent Order.
- (3) If the Consent Order is not accepted by the Respondent, the Investigative Committee will recommend to the Board that an Administrative Hearing be scheduled with respect to any and all acts of alleged unprofessional conduct.
- (4) Acceptance of this Consent Order constitutes an admission by the Respondent of the facts set forth herein.
- (5) This Consent Order shall become part of the public record of this proceeding once it is accepted by all parties and by the Board.
- (6) Failure to comply with this Consent Order, when signed and accepted, shall subject the Respondent to further disciplinary surrender action.
- (7) The Respondent accepts the sanction of a suspension of his license to practice medicine in the State of Rhode Island in accordance with the Findings and Conclusions in paragraph number 8.


Signed this 12 day of June, 2001.


Joel S. Harkow, M.D.


Kevin Bristow, Esq.
Attorney for Respondent

Ratified by the Board of Medical Licensure and Discipline at a meeting held

on June 13, 2001.


Patricia A. Nolan, MD, MPH
Director of Health